

## LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

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**P.A.S.:** City Change of Zone #3356

**DATE:** Feb. 05, 2002

**PROPOSAL:** A change of zone from AG Agriculture to AGR Agricultural Residential

**LAND AREA:** 140.38 Acres, more or less

**CONCLUSION:** This is not in conformance with the Comprehensive Plan or the character of the area.

**RECOMMENDATION:**

Denial

### **GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** Lots 17 I.T. and 18 I.T. in the NE 1/4, the SW 1/4 of the NE 1/4, I.T. Lots 16, 19, and 22 in the NE 1/4 and Lots 1 and 2 I.T. in the NW 1/4; all in Section 11, T 8 N, R 6 E of the 6<sup>th</sup> P.M., Lancaster County NE.

**LOCATION:** Generally located at Homestead Expressway (Hwy 77) and Bennet Road

**APPLICANT:** Twyla J. Lidolph  
5010 Sugar Creek Road  
Lincoln, NE 68516  
(402) 423-3308

**OWNER:** Virginia Thomas and Twyla J. Lidolph, Trustee

**CONTACT:** Twyla J. Lidolph  
5010 Sugar Creek Road  
Lincoln, NE 68516  
(402) 423-3308

**EXISTING ZONING:** AG Agriculture

**EXISTING LAND USE:** Farmland

### **SURROUNDING LAND USE AND ZONING:**

North: Ag land and a few acreages, zoned AG Agriculture

South: Two dwellings and Ag land, zoned AG Agriculture

East: Highway 77, a few dwellings and Agriculture, Zoned AG Agriculture

West: Farmland, Zoned AG Agriculture

**ASSOCIATED APPLICATIONS:** None

**HISTORY:** Changed from County AA Rural and Public Use to AG Agriculture in the **1979** Zoning Update.

**COMPREHENSIVE PLAN SPECIFICATIONS:** This area is shown as Agricultural on the Land Use Plan (figure 16 and 17). The Comprehensive Plan states:

Low density rural use areas beyond the Future Urban Area should be designed to be compatible with the agricultural character and rural lifestyles of the area, including recognition that the agricultural operator's "right to farm" is an integral part of rural lifestyle.....

This plan recognizes the continuing desire to accommodate this style of life, to protect this character of development where appropriate, and to manage its location. In making decisions about where this land use is appropriate, public officials will use criteria such as compatibility of this land use with farming and other land uses, maintenance of rural character, preservation of ecologically sensitive areas, and the economic and efficient provision of public services and infrastructure. (Amendment **9416**)(page 52)

**Rural and Agriculture**

1. Preserve the rural quality of life while allowing for the quality growth of Lincoln and the incorporated communities of the county and encourage contiguous development.
2. Preserve highly productive agricultural land for agrarian purposes, as well as allow rural, non-agricultural residences; protect ecological and historic sites in rural Lancaster County.( Appendix C, Community Congress Goals)

**UTILITIES:** This area is outside the future urban service area shown in the Comprehensive Plan. This is in the Lancaster County #1 rural water district.

**TOPOGRAPHY:** Gently rolling hills, falling off to the north.

**TRAFFIC ANALYSIS:** Highway 77 is a limited access, four lane highway. SW 2<sup>nd</sup>, to the west, is a gravel county road. Bennet Road to the north is a dirt road. Wittstruck Road to the south is a gravel county road.

**PUBLIC SERVICE:** This area is served by the Norris Public School District #160, the Hickman Rural Fire District, and is in the Norris Public Power District service area.

**REGIONAL ISSUES:** The location of acreage development and farming. Development along Highway 77.

**ENVIRONMENTAL CONCERNS:** There are no Historic or Ecological resources identified on this site. However, the 1860 Nebraska City Fort Kearney Cut-Off ran through or close to this parcel. The soil rating is approximately 5.6. This is not prime agriculture soil. There is no FEMA flood plain recorded on the site. There is a farm pond and three water ways across the land from north to south. Wetlands could be expected at these locations.

**AESTHETIC CONSIDERATIONS:** Approaches to Lincoln along Highway 77.

**ALTERNATIVE USES:** Farming or 7, 20+acre parcels.

**ANALYSIS:**

1. The Comprehensive Plan lists criteria for the review of zoning proposals. These include portions of Nebraska Revised Statutes Section 15-902;
  1. **Safety from fire, flood and other dangers;**  
There is no flood plain on the parcel.
  2. **Promotion of the public health, safety, and general welfare;**  
There appear to be no major conflicts, except for the Highway 77 traffic and normal farming operations.
  3. **Consideration of the character of the various parts of the area, and their particular suitability for particular uses, and types of development;**  
This land is in an area substantially devoted to Agriculture, with some dwelling units stripped along Highway 77.
  4. **Conservation of property values; and**  
A change to acreage zoning may have an impact on agricultural property value in the area.
  5. **Encouraging the most appropriate use of land throughout the area zoned, in accordance with a comprehensive plan.**  
A change of zoning to an acreage designation would not reflect the predominant land use and character of the surrounding area, which is agriculture. The change is not in accordance with the Comprehensive Plan.

There are seven specific criteria established in the Plan for review including;

**a. Infrastructure: the availability of the water, sewer, drainage and the transportation systems.**

This is in the rural water district but a water main may not be available. There is no sewer in place. Drainage would be by the creek. Transportation access would be from Highway 77 (by service road) or by SW 2<sup>nd</sup>, a gravel county road.

**b. Compatibility: harmony and suitability with the surrounding land uses and the natural environment.**

Acreage development would not be compatible with the surrounding agricultural uses but may not impact the few acreages in the area. Proper design of a plat could fit acreage development into this property.

**c. Health and Safety: protection against natural and man-made hazards including noise; air, ground and water pollution; flooding; and hazards from industrial or agricultural processes or products.**

The proposed change would not have a direct impact on public safety.

**d. Physiographic Features: the topography, suitability of proposed land uses with streams, lakes, soil types, natural vegetation or wildlife habitat.**

This is currently farm land with wooded drainage ways and a dam. Proper design could lay this out in an acreage development.

**e. Accessibility: availability, or lack thereof, of public transportation, arterial connections and pedestrian linkages.**

There is no public transportation, pedestrian links or trails present. Highway 77 abuts on the east, SW 2<sup>nd</sup> street abuts on the west.

**f. Open Space: availability of sufficient open space and recreational areas to accommodate a project's residents and employees.**

There is no public open space in the area.

**g. Fiscal Impacts: whether the proposed use does not create a burden to local tax revenues and/or available resources.**

There are no known major revenue impacts.

2. The County Engineer recommends denial and notes concerns of coordinating public improvements by approving a change of zone without a plat. This is normally a platting and design standard issue. A change of zone request does not require a simultaneous submittal of a plat.

3. Engineering Services has no objections.

4. Development potential of this land would be 7 dwelling units under the AG zoning and about 46 dwellings under AG zoning.

5. This is not in conformance with the Comprehensive Plan.

6. This is not in character with the development of the area.

7. Approval of the change of zone would encourage stripping of Highway 77 by acreage development.

Prepared by:

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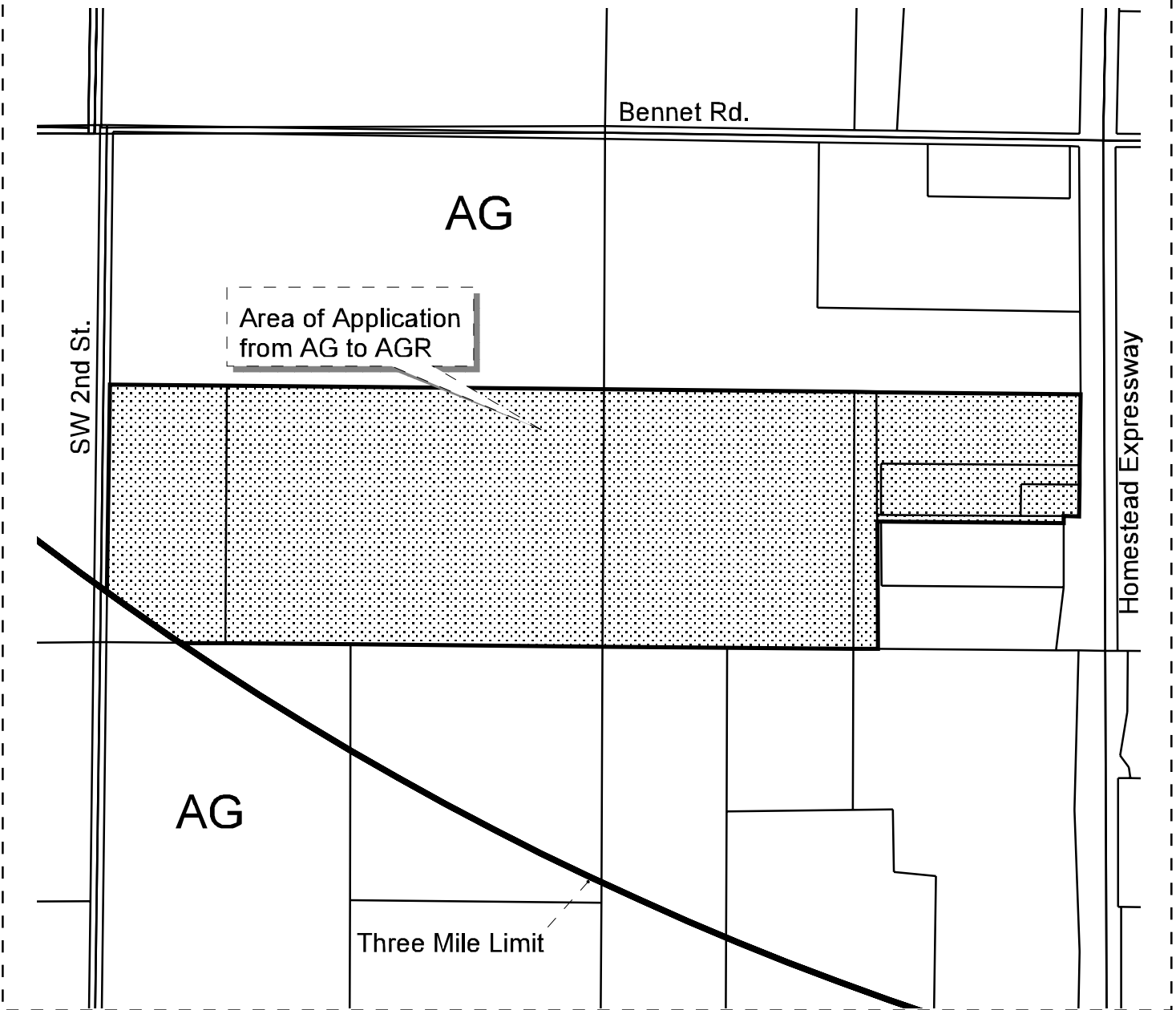
Mike DeKalb, AICP  
Planner



**Change of Zone #3356**  
**SW of Homestead Exp. & Bennet Rd.**



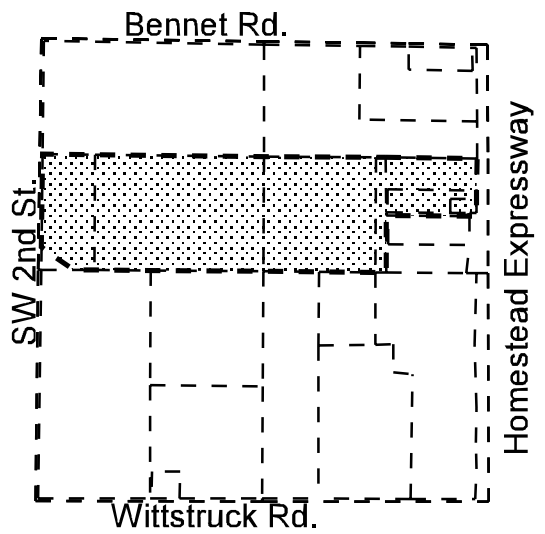
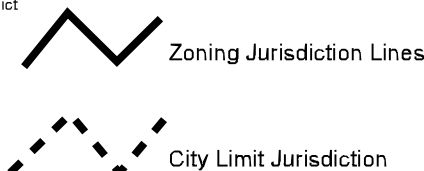
Photograph Date: 1997



# **Change of Zone #3356** **SW of Homestead Exp. & Bennet Rd.**

- Zoning:**
- R-1 to R-8 Residential District
  - AG Agricultural District
  - AGR Agricultural Residential District
  - R-C Residential Conservation District
  - O-1 Office District
  - O-2 Suburban Office District
  - O-3 Office Park District
  - R-T Residential Transition District
  - B-1 Local Business District
  - B-2 Planned Neighborhood Business District
  - B-3 Commercial District
  - B-4 Lincoln Center Business District
  - B-5 Planned Regional Business District
  - H-1 Interstate Commercial District
  - H-2 Highway Business District
  - H-3 Highway Commercial District
  - H-4 General Commercial District
  - I-1 Industrial District
  - I-2 Industrial Park District
  - I-3 Employment Center District
  - P Public Use District

One Square Mile  
 Sec. 11 T8N R6E



# HOMESTEAD EXPRESSWAY



BENNET

2ND

N 1/2, NW 1/4  
80.00 | Ac. Total  
77.00 | Ac. Net

LOT 26  
48.96 | Ac. Total  
48.08 | Ac. Net

LOT 27  
22.09 | Ac.

LOT 28  
6.01 | Ac.

LOT 1  
20.00 | Ac. Total  
19.00 | Ac. Net

LOT 2  
60.00 | Ac.

SW 1/4, NE 1/4  
40.00 | Ac.

LOT 16  
8.27 | Ac.

LOT 17  
5.86 | Ac.

LOT 21  
7.81 | Ac.

LOT 20  
7.91 | Ac.

LOT 19  
4.56 | Ac.

NE 1/4, SW 1/4  
40.00 | Ac.

W 1/2, SW 1/4  
80.00 | Ac. Total

LOT 30  
12.83 | Ac.

LOT 31  
55.61 | Ac. Total  
55.04 | Ac. Net

LOT 4  
40.00 | Ac. Total

CZ3356  
AG to AGR  
Centerville, 11-8-6

Streets  
Text Zonebt  
Zonebt  
Flood  
100 Year  
500 Year  
Floodway  
Text L110806  
L110806

January 22, 2002

Planning Commission  
555 South 10  
County-City Building  
Lincoln, NE 68508

To Planning Commission Members,

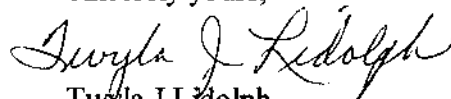
Twyla J Lidolph, Trustee, is the owner of land located south of Lincoln. The legal description is as follows:

SW ¼ NE ¼ and Lots 16, 19, 22 NE ¼ and Lots 1 and 2 NW ¼, Lot 17 NE 11-8-6 and Lot 18 NE 11-8-6

I would like to change the zoning from Ag to AgR. There are several acreages in the area and with the building of the south-by-pass this area will become residential acreage potential. The farm will need to be rezoned to accommodate smaller acreage development.

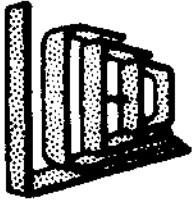
If you have further questions, please call me at 402-423-3308.

Sincerely yours,

A handwritten signature in cursive script that reads "Twyla J Lidolph".

Twyla J Lidolph  
5010 Sugar Creek Road  
Lincoln, NE 68516





Lancaster


County

Engineering

Department

**DON R. THOMAS - COUNTY ENGINEER**

DEPUTY- **LARRY V. WORRELL**  
COUNTY SURVEYOR

**DATE:** January 30, 2002  
**TO:** Mike DeKalb  
Planning Department  
**FROM:** Larry V. Worrell   
County Surveyor  
**SUBJECT:** CHANGE OF ZONE #3356


JAN 31 2002

Upon review, this office is concerned to have a Change of Zone without first having a Preliminary Plat accompanying such request. If this Change of Zone was approved, acreages could be created without benefit of public improvements.

This office would recommend **denial** of this application until such time as a Preliminary Plat accompanies the requested Change of Zone.

## M e m o r a n d u m

JAN 29 2002

**To:** Mike DeKalb, Planning  
**From:**  Dennis Bartels, Engineering Services  
**Subject:** Change of Zone 3356, AG to AGR  
**Date:** January 28, 2002  
**cc:** Roger Figard  
Nicole Fleck-Tooze

Engineering Services has no objections to the proposed change of zone from AG to AGR. This proposed change is west of Highway 77 between Bennet Road and Wittstruck Road.